

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE NORTHERN DISTRICT OF
GEORGIA ATLANTA DIVISION

IN RE: Jordan Arthur Viehmeyer and)
Samantha Alysa Viehmeyer)
CO-DEBTOR(S).)

CASE NO. 23-52516-bem

CHAPTER 7

Filed in U.S. Bankruptcy Court
Atlanta, Georgia

APR 13 2023

M. Regina Thomas, Clerk

By: Deputy Clerk

Motion for Sanctions for Violation of the Automatic Stay

1. Introduction:

The debtor, Jordan A. Viehmeyer, requests the court to impose sanctions on Progress Residential, LLC (located at 2658 Holcomb Bridge Rd #118, Alpharetta, GA 30022) for their attempt to collect a debt, despite the automatic stay in place due to the debtor's Chapter 7 bankruptcy filing, and in violation of Title 11 of the U.S. Bankruptcy Code, specifically 11 U.S.C. § 362. As part of the debtor's due diligence, Progress Residential was initially notified of the pending bankruptcy case via email sent to (rdct@progressresidential.com) on March 21, 2023 (***See Exhibit A: Email to Progress Residential Notifying of Pending Bankruptcy Case***).

Additionally, after receiving these emails, the debtor pursued yet another two attempts of due diligence by notifying the Progress Residential debt collection team on 4/12/23 and 4/11/23 by phone and email (***See Exhibit B: Attempts to Rectify with Progress Residential***) of their violation of the Automatic Stay as granted under U.S. Bankruptcy Code, 11 U.S.C § 362. On both occasions Progress Residential representatives informed me that they would be sending my case to their team of lawyers to reach out to me. To date on this 13th day of April 2023, I have not received any communication back from either of these teams, nor any communication from the customer service department who was carbon copied on these emails (CustomerCare@progressresidential.com). At the time of this motion, no further attempts will be made by the debtor to notify Progress Residential of the violation (unless otherwise ordered by this court) and move to ask the court for a hearing in this matter.

Despite the fact that multiple communication attempts have been made to Progress Residential, they are continuing to enforce the Notice of Default that was emailed to (dad@alysaandjordanplustwo.baby *aka Jordan Viehmeyer's Mailbox* and samanthabaze@gmail.com *aka Samantha Viehmeyer's Mailbox*). Progress Residential was notified and was aware of the bankruptcy case upon receipt of the email sent on March 21st, 2023. [***Exhibit A***] Which means that they were aware of the bankruptcy case, and still proceeded to issue an Notice of Default or else face eviction.

This holds Progress Residential in direct violation of Title 11 U.S.C. § 362(a).

2. Background:

The debtor filed for Chapter 7 bankruptcy protection on 3/15/2023. As per 11 U.S.C. § 362(a), an automatic stay was enacted to protect them from ongoing collection efforts by creditors. However, Progress Residential has violated the automatic stay by sending an e-mail containing a Notice of Default for Non-Payment. U.S.C. § 362(a). [See Exhibit C – Notice of Default issued by Progress Residential]

2.1: Progress Residential makes demand for payment on April 11th, 2023, at 12:36 PM. The statement that I would like to draw your attention to, your honor is in the footer of the document where Progress Residential discloses that this is an attempt to collect a debt... Meaning that that it is hereby proven that Progress Residential violated the Automatic Stay and is in direct violation of **United States Bankruptcy Code Title 11 U.S.C. § 362(a)** by attempting to collect on a debt during the Automatic Stay.

"DEPENDING ON YOUR JURISDICTION, THIS MAY BE CONSIDERED A COMMUNICATION FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE."

2.2: I (Jordan Viehmeyer) have taken a few quotes directly from Progress Residential's Notice of Default [Exhibit C] to supplement my claims made in Section 2.1.

2.2.A: *"There is a balance due on your account. Pursuant to your lease agreement for the residence located at 3106 Bridgewalk Trl, you are in default for non-payment of the aggregate amount of \$2377.82."*

2.2.B: *"You are required to pay this delinquent amount in full within 3 days from the date of this notice."*

2.2.C: *"Otherwise, your Lease Agreement shall thereupon immediately terminate and legal proceedings will be commenced against you: (i) to recover the possession of said home, (ii) to recover attorney's fees and court and other costs; and (iii) to recover damages, all in connection with this default under the Lease Agreement."*

3. Violation of Automatic Stay:

Progress Residential's actions are in direct contravention of 11 U.S.C. § 362(a), which prohibits creditors from attempting to collect on debts during an automatic stay. The debtor has provided evidence of these violations in the form of exhibits and communications towards the end of this motion.

4. Request for Relief:

Considering the violations of 11 U.S.C. § 362(a) by Progress Residential, LLC, should this company be in violation of 11 U.S.C. § 362(a), the debtor respectfully requests the following relief:

1. Impose appropriate sanctions on Progress Residential, LLC, which may include actual damages, attorney's fees, and, in some cases, punitive damages, as per 11 U.S.C. § 362(k).
2. Order Progress Residential, LLC to immediately cease any further attempts to collect the debt or take action against the co-debtor's property.

5. Enclosed Documentation:

Attached hereto as Exhibit A, Exhibit B, and Exhibit C are true and correct copies of emails sent by the debtor, Jordan Viehmeyer, to Progress Residential and emails that were sent from Progress Residential, to Jordan Viehmeyer (via e-mail to dad@alysaandjordanplustwo.baby).

6. Conclusion:

In conclusion, the debtor seeks the court's intervention under 11 U.S.C. § 362 to address Progress Residential's violation of the automatic stay, requests the imposition of sanctions as deemed appropriate by the court, and the restoration of the co-debtor's payment status with Progress Residential. The debtor is willing to provide any additional information or documentation that may be required to resolve this matter.

Respectfully submitted, this 13th day of April 2023.

/s/Jordan Viehmeyer (*Pro-Se*)
/s/Samantha Viehmeyer (*Pro-Se*)

3106 Bridgewalk Trail
Acworth, GA 30101-3013
Ph # 404-201-0397
Emails:
(Jordan Viehmeyer)
dad@alysaandjordanplustwo.baby
(Samantha Viehmeyer)
mom@alysaandjordanplustwo.baby

**IN THE UNITED STATES BANKRUPTCY
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IN RE: Jordan Arthur Viehmeyer and)	CASE NO. 23-52516-bem
Samantha Alysa Viehmeyer)	
)	CHAPTER 7
CO-DEBTOR(S).)	

Exhibit A:

Email to Progress Residential Notifying of Pending Bankruptcy Case

Dated the 21st day of March 2023



Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Re-Affirmation Agreement Request for 3106 Bridgewalk Trail, Acworth GA 30101

2 messages

Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Tue, Mar 21, 2023 at 4:28 PM

To: CustomerCare@rentprogress.com, rdct@rentprogress.com, jenviehmeyer@gmail.com, Alysa Viehmeyer <mom@alysaandjordanplustwo.baby>

Hello Progress Residential Team,

I have filed Chapter 7 Bankruptcy, and plan to reaffirm (keep) my lease through the Northern District of Georgia's Court System. Please provide me with the filled-out reaffirmation agreement to review and file with the court system, or point me in the right direction to the person that could help me with this matter.

Other parties on the lease are included in this email as follows:

Samantha Viehmeyer (aka *Samantha Bazemore*) - mom@alysaandjordanplustwo.baby

Jennifer Viehmeyer - jenviehmeyer@gmail.com

Myself (Jordan Viehmeyer) - dad@alysaandjordanplustwo.baby formerly jordan.viehmeyer@icloud.com

Lastly, Please see the attached notice of filing for the case number.

Best regards,
Jordan Viehmeyer
Ph # (404) 201 - 0397

 23-52516 - Viehmeyer - Notice of Bankruptcy Case Filing.pdf
90K

Customer Care <CustomerCare@rentprogress.com>

Tue, Mar 21, 2023 at 4:29 PM

To: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Hi Jordan,

Thank you for contacting Progress Residential.

I have created a case, and a member of the team will be in touch as soon as possible.

Your case number is 02620779.

For immediate assistance, please call us at 833 PRG-RESS (833) 774-7377.

Sincerely,

Progress Residential
Customer Care



e: customercare@progressresidential.com
rentprogress.com

How did we do? Click here to share your feedback about this response.

From: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Sent: Tuesday, March 21, 2023 8:28:16 PM

To: Customer Care <CustomerCare@rentprogress.com>; RDCT <rdct@rentprogress.com>;

[Quoted text hidden]

**IN THE UNITED STATES BANKRUPTCY
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IN RE: Jordan Arthur Viehmeyer and)	CASE NO. 23-52516-bem
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Exhibit B:

Attempts to Rectify with Progress Residential



Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Is everything ok? Your Rent Payment is Past Due

5 messages

Progress Residential <rdct@m.rentprogress.com>

Thu, Apr 6, 2023 at 3:22 PM

Reply-To: Progress Residential <reply-fec11179756c0475-177_HTML-236171601-100006303-24@m.rentprogress.com>

To: dad@alysaandjordanplustwo.baby



Hello Jordan,

We hope everything is ok. We haven't received your rent payment this month, and your account is now past due. If you've already paid rent for April please accept our apologies and our appreciation as you disregard this email.

If you haven't paid this month's rent, there is no more time to spare. Please [log into your account here](#) to view your balance and pay \$2,337.82 to bring your account current and return to good standing.

MAKE A PAYMENT NOW

If things aren't ok, please don't hesitate to call us so we can help at 844.475.2326. You can also email us at rdct@progressresidential.com.

If you're unable to pay rent due to financial hardship...

Your well-being is important to us, and we know life can bring unexpected challenges. There is a dedicated team ready to help you if you are facing financial hardships and unable to make your rent payment. Learn more about [rental assistance programs that may be available to you here](#). We also have a team standing by to discuss options with you. Reach out to us so we can help at rdct@progressresidential.com.

Thank you,
Progress Residential®



Progress Residential, LLC | 7500 N. Dobson Rd., Suite 300 Scottsdale, AZ, 85256

[Update Profile](#) | [Unsubscribe](#)

Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Thu, Apr 6, 2023 at 8:20 PM

To: Progress Residential <reply-fec11179756c0475-177_HTML-236171601-100006303-24@m.rentprogress.com>

What rental assistance options are available? We can pay on the 15th.

[Quoted text hidden]

Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Tue, Apr 11, 2023 at 1:15 PM

To: rdct@rentprogress.com, legal@rentprogress.com, CustomerCare@rentprogress.com

Cc: samanthabaze@gmail.com, jenviehmeyer@gmail.com

Hello Both Teams,

We have an open bankruptcy case pending in the Northern District of Georgia (Case No. 23-52516-bem) which was opened on 3/15/2023. You were notified and provided with documentation on March 21st. Please see the PDF attached titled "Notification of Bankruptcy.pdf." I was automatically provided with a case number: 02620779.

The notice of default that you have sent is in violation of United States Bankruptcy Code Title 11, Section 362(a). Please see the attached notice of bankruptcy proceedings "23-52516.... .pdf" as well as my email sent to rdct on April 6th - 5 days ago without any reply.




Please also see the attached for previous correspondence with me regarding the fact that progress residential has breached our lease by not properly letting us know of pending HOA violations that existed prior to our move in confirmed by the HOA of the subdivision and then trying to charge us for these items numerous times. "Breach of Lease.pdf"

Please have someone in your legal team reach out to me immediately (I am a pro-se co-debtor), otherwise I will have no choice but to file a Motion for Sanctions if we are unable to come to an agreement.

Let me state on the record that this is not the first example of trying to reach out to Progress Residential in which you are non-responsive to any form of communication. Examples of this are highlighted in the attachment of the email sent on April 6th. In addition to this, I'd like to add to the record that the same thing happens when you call customer care, and they give you a case number - nothing ever comes of it - so I prefer communicating over email moving forward to maintain accurate depictions of discussions between myself and Progress Residential.

Cordially,
Jordan Viehmeyer
Ph 404-201-0397
[Quoted text hidden]

3 attachments

-  23-52516 - Viehmeyer - Notice of Bankruptcy Case Filing (1).pdf
90K
-  Notification of Bankruptcy.pdf
150K
-  Breach of Lease.pdf
124K

postmaster@progressresidential.onmicrosoft.com <postmaster@progressresidential.onmicrosoft.com>
To: dad@alysaandjordanplustwo.baby

Tue, Apr 11, 2023 at 1:15 PM



Your message to legal@rentprogress.com couldn't be delivered.

legal wasn't found at rentprogress.com.

dad
Action Required

Office 365

legal
Recipient

Unknown To address

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.10 in Office 365](#), and then send the

message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.1.10

This error occurs because the sender sent a message to an email address hosted by Office 365 but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Recipient has a valid license - Make sure the recipient has an Office 365 license assigned to them. The recipient's email admin can use the Office 365 admin center to assign a license (Users > Active Users > select the recipient > Assigned License > Edit).

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues](#) for error code 5.1.10 in Office 365.

Original Message Details

Created Date: 4/11/2023 5:15:23 PM
Sender Address: dad@alysaandjordanplustwo.baby
Recipient Address: legal@rentprogress.com
Subject: Fwd: Is everything ok? Your Rent Payment is Past Due

Error Details

Error: 550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient legal@rentprogress.com not found by SMTP address lookup
Message rejected by: SN7PR10MB6331.namprd10.prod.outlook.com

Notification Details

Sent by: SN7PR10MB6331.namprd10.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH	RELAY TIME
-----	------------	------	----	------	------------

1	4/11/2023 5:15:35 PM		mail-yw1-f180.google.com	SMTP	12 sec
2	4/11/2023 5:15:35 PM	mail-yw1-f180.google.com	SN1NAM02FT0060.mail.protection.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*
3	4/11/2023 5:15:35 PM	SN1NAM02FT0060.eop-nam02.prod.protection.outlook.com	SN1PR12CA0043.outlook.office365.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*
4	4/11/2023 5:15:35 PM	SN1PR12CA0043.namprd12.prod.outlook.com	SN7PR10MB6331.namprd10.prod.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*

Original Message Headers

Received: from SN1PR12CA0043.namprd12.prod.outlook.com (2603:10b6:802:20::14) by SN7PR10MB6331.namprd10.prod.outlook.com (2603:10b6:806:271::15) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6277.38; Tue, 11 Apr 2023 17:15:35 +0000

Received: from SN1NAM02FT0060.eop-nam02.prod.protection.outlook.com (2603:10b6:802:20:cafe::fa) by SN1PR12CA0043.outlook.office365.com (2603:10b6:802:20::14) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6277.38 via Frontend Transport; Tue, 11 Apr 2023 17:15:35 +0000

Authentication-Results: spf=none (sender IP is 209.85.128.180) smtp.mailfrom=alysaandjordanplustwo.baby; dkim=pass (signature was verified) header.d=alysaandjordanplustwo-baby.20210112.gappssmtp.com; dmarc=none action=none header.from=alysaandjordanplustwo.baby;

Received-SPF: None (protection.outlook.com: alysaandjordanplustwo.baby does not designate permitted sender hosts)

Received: from mail-yw1-f180.google.com (209.85.128.180) by SN1NAM02FT0060.mail.protection.outlook.com (10.97.4.134) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6298.28 via Frontend Transport; Tue, 11 Apr 2023 17:15:35 +0000

Received: by mail-yw1-f180.google.com with SMTP id 00721157ae682-54f6a796bd0so56016267b3.12 for <legal@rentprogress.com>; Tue, 11 Apr 2023 10:15:35 -0700 (PDT)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=alysaandjordanplustwo-baby.20210112.gappssmtp.com; s=20210112; t=1681233335; x=1683825335; h=cc:to:subject:message-id:date:from:in-reply-to:references:mime-version:from:to:cc:subject:date:message-id:reply-to; bh=Quf6fkaTEdwjcv70Vsn7rUre4y2oXYiWA/ERnbRLlzo=; b=eHT41PgT4LnRhJ0fZuQBJEmqtsWxa9Eh1wDhN28LjsCwzNMTYH1bDkZDDe1cAFEPqI Qot0C60qYSImc9QolJqQpEoQKUOCLa8qpSdnFjsDe6IglfJi1txHQYQfpr5TsR7GVD0 ++zH9p0iPt0cd319/BNDvomZ2A/ILiW6tMBt12KAPFOa6Yz0LprMuSvx/cFep2Lq6CDA DTd2adPoFMXxy6gNXEBuCNksirYLOo06VQJEHDJw7hzGBcrfTxvTvSs6m+6lFNyRK3l GfrLCDr06jNoj4c2ne5UR+txBq0RazHoso814MHwpzSITRNTeyVvGS1wAta1NV1ef7a g+vw==

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=1e100.net; s=20210112; t=1681233335; x=1683825335; h=cc:to:subject:message-id:date:from:in-reply-to:references:mime-version:x-gm-message-state:from:to:cc:subject:date:message-id:reply-to; bh=Quf6fkaTEdwjcv70Vsn7rUre4y2oXYiWA/ERnbRLlzo=; b=yOViD1fU5v2XhCsaMDy+pZOfh8PrEY3ZF00J0s+Mc/copp0H9ShqTdI/vcCQPCJP6U FSWT9uW1K00Yxfrecwt0yB6e3Bun+4n0SeGn4F/1Eq7YzIrcZGD2MXWmRwu++1ezyxs U9CG5DTXfx+hjEuKQMsQn3KZRZ5L0MFbNm8gC95saGhIO5EPoPVI+DQpj+Dqv8Jgmepu g29u2blKotfco4uh+Q5A16ENiWuh194VQB/8yArJH1JzPu9GkFk2JT8poWdeg2SSDKb kKNfIJE4h4GN84n0LTHCgItMuPwKoFLD7RLTN4Q7SAI1Sca+q8T18FJWYDKS/jFY+Ytt TcjQ==

X-Gm-Message-State: AAQBx9c6E22Q991zY0ZqfEkB8wkMYLMLwHeboJUnboci7MIjW+U0y6Z0 YKAYL08hEVx4yTHu6B1XwNaSeQgPv/4Wdh2o3pLMIH18Xxl+WKuW5iItcg==

X-Google-Smtp-Source: AKy350bkRNDQeED1BdIEDeft0QROtose/kchVE4PxJHnbC7c+qsx4+M9tYJGzSuvmkAWHVPaGESBcPk3cgHDWQI68LE=

X-Received: by 2002:a81:a94a:0:b0:541:a0ab:bd28 with SMTP id g71-2002a81a94a00000000541a0abbd28mr9169332ywh.4.168123334498; Tue, 11 Apr 2023 10:15:34 -0700 (PDT)

MIME-Version: 1.0

References: <0f50a00d-675a-4f8f-a946-04d5bd5b5fdd@dfw1s10mta94.xt.local> <CAPU7aBeX8PN0g8Wc95LTmgfT5BM_t_sn45=5QM2RsQ+tEcNtwQ@mail.gmail.com>

In-Reply-To: <CAPU7aBeX8PN0g8Wc95LTmgfT5BM_t_sn45=5QM2RsQ+tEcNtwQ@mail.gmail.com>

From: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Date: Tue, 11 Apr 2023 13:15:23 -0400

Message-ID: <CAPU7aBeEHyt4hr9c-3Pf3F9YpVxVWzpk28NzqYti7EF2Kek5g@mail.gmail.com>

Subject: Fwd: Is everything ok? Your Rent Payment is Past Due

To: rdct@rentprogress.com, legal@rentprogress.com, CustomerCare@rentprogress.com

CC: samanthabaze@gmail.com, jenviehmeyer@gmail.com

Content-Type: multipart/mixed; boundary="000000000000b05ce005f912a3ec"

Return-Path: dad@alysaandjordanplustwo.baby
X-EOPAttributedMessage: 0
X-EOPTenantAttributedMessage: 09fbdbb3-3ab1-4078-b000-3436f8543f78:0
X-MS-PublicTrafficType: Email
X-MS-TrafficTypeDiagnostic: SN1NAM02FT0060:EE_|SN7PR10MB6331:EE_
X-MS-Office365-Filtering-Correlation-Id: 1ce4a642-6d98-403e-fe79-08db3ab05d3f

Final-Recipient: rfc822;legal@rentprogress.com
Action: failed
Status: 5.1.10
Diagnostic-Code: smtp;550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient legal@rentprogress.com not found by SMTP address lookup

----- Forwarded message -----

From: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>
To: rdct@rentprogress.com, legal@rentprogress.com, CustomerCare@rentprogress.com
Cc: samanthabaze@gmail.com, jenviehmeyer@gmail.com
Bcc:
Date: Tue, 11 Apr 2023 13:15:23 -0400
Subject: Fwd: Is everything ok? Your Rent Payment is Past Due
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Please also see the attached for previous correspondence with me regarding the fact that progress residential has breached our lease by not properly letting us know of pending HOA violations that existed prior to our move in confirmed by the HOA of the subdivision and then trying to charge us for these items numerous times. "Breach of Lease.pdf"

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Cordially,
Jordan Viehmeyer
Ph 404-201-0397

----- Forwarded message -----

From: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>
Date: Thu, Apr 6, 2023 at 8:20 PM
Subject: Re: Is everything ok? Your Rent Payment is Past Due
To: Progress Residential <reply-fec1179756c0475-177_HTML-236171601-100006303-24@m.rentprogress.com>

What rental assistance options are available? We can pay on the 15th.

On Thu, Apr 6, 2023 at 3:22 PM Progress Residential <rdct@m.rentprogress.com> wrote:



Hello Jordan,

We hope everything is ok. We haven't received your rent payment this month, and your account is now past due. If you've already paid rent for April please accept our apologies and our appreciation as you disregard this email.

If you haven't paid this month's rent, there is no more time to spare. Please [log into your account here](#) to view your balance and pay \$2,337.82 to bring your account current and return to good standing.

MAKE A PAYMENT NOW

If things aren't ok, please don't hesitate to call us so we can help at 844.475.2326. You can also email us at rdct@progressresidential.com.

If you're unable to pay rent due to financial hardship...

Your well-being is important to us, and we know life can bring unexpected challenges. There is a dedicated team ready to help you if you are facing financial hardships and unable to make your rent payment. Learn more about [rental assistance programs that may be available to you here](#). We also have a team standing by to discuss options with you. Reach out to us so we can help at rdct@progressresidential.com.

Thank you,
Progress Residential®



Progress Residential, LLC | 7500 N. Dobson Rd., Suite 300 Scottsdale, AZ, 85256

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3 attachments

- 23-52516 - Viehmeyer - Notice of Bankruptcy Case Filing (1).pdf**
90K
- Notification of Bankruptcy.pdf**
150K
- Breach of Lease.pdf**
124K

Customer Care <CustomerCare@rentprogress.com>
To: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Tue, Apr 11, 2023 at 1:18 PM

Hi Jordan,

Thanks for reaching out. We will review this information.

I have created a case, and a member of the team will be in touch as soon as possible.

Your case number is 02693322.

For immediate assistance, please call us at 833 PRG-RESS (833) 774-7377.

Sincerely,

Progress Residential
Customer Care



e: customer care@progressresidential.com
rentprogress.com

How did we do? Click here to share your feedback about this response.

From: Jordan Viehmeyer <dad@alysaandjordanplustwo.baby>

Sent: Tuesday, April 11, 2023 5:15:23 PM

To: RDCT <rdct@rentprogress.com>; legal@rentprogress.com <legal@rentprogress.com>; Customer Care <CustomerCare@rentprogress.com>

Cc: samanthabaze@gmail.com <samanthabaze@gmail.com>; jenviehmeyer@gmail.com <jenviehmeyer@gmail.com>

Subject: Fwd: Is everything ok? Your Rent Payment is Past Due

[Quoted text hidden]

**IN THE UNITED STATES BANKRUPTCY
COURT FOR THE NORTHERN DISTRICT OF
GEORGIA ATLANTA DIVISION**

IN RE: Jordan Arthur Viehmeyer and)	CASE NO. 23-52516-bem
Samantha Alysa Viehmeyer)	
)	CHAPTER 7
CO-DEBTOR(S).)	

Exhibit C:

Notice of Default issued by Progress Residential

Dated the 11th day of April 2023



RDCT@progressresidential.com

Property#: 149777

(844) 475-2326

Do you need help paying rent or past-due balances? Progress Residential may be able to help you access rental assistance funds. Please visit <https://rentprogress.com/rent-assistance.html> for more information. In addition, because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under Federal law. Learn the steps you should take now: visit <http://www.cfpb.gov/eviction> or call a housing counselor at 800-569-4287.

04/11/2023

Jordan Viehmeyer , Samantha Bazemore, Jennifer Viehmeyer and/or all occupants
3106 Bridgewalk Trl
Acworth, GA 30101

Dear Jordan Viehmeyer , Samantha Bazemore, Jennifer Viehmeyer and/or all occupants:

There is a balance due on your account. Pursuant to your lease agreement for the residence located at 3106 Bridgewalk Trl, you are in default for non-payment of the aggregate amount of \$2377.82.

You are required to pay this delinquent amount in full within 3 days from the date of this notice. Otherwise, your Lease Agreement shall thereupon immediately terminate and legal proceedings will be commenced against you: (i) to recover the possession of said home, (ii) to recover attorney's fees and court and other costs; and (iii) to recover damages, all in connection with this default under the Lease Agreement.

To make payments we have the following methods available:

- 1) **Online** – Go to rentprogress.com and click on “[Resident Services](#)” to make a one-time payment. There is no fee if you setup a payment method and set up your routing and bank account information. If you are unable to login and make payments, please contact us at 1-844-475-2326.
- 2) **WIPS** - using our new payment option of “WIPS” which allows you to make a cash payment at a local retailer near your home. Please call us at 1-844-475-2326 for more information and to sign up.
- 3) **Money Order or Cashier's Check** - Please make payment out to “Progress Residential” and mail to: “Progress Residential, [PO Box 4300, Scottsdale, AZ 85261](#).”

If your payment in full is already on its way, we thank you and ask that you please disregard this notice. If you do not make this payment within 3 days from the date of this notice, demand is hereby made for you to voluntarily vacate the home and return possession to the Landlord, Property Manager or its agent.

Respectfully,

Progress Residential

cc: Resident File - THIS COMMUNICATION

DEPENDING ON YOUR JURISDICTION, THIS MAY BE CONSIDERED A COMMUNICATION FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: JORDAN ARTHUR) Case No: 23-52516-bem
VIEHMEYER AND)
SAMANTHA ALYSA) Chapter 7
VIEHMEYER)
Debtor(s))

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 year of age, and that on the 13th day of April, 2023 I served a copy of Motion for Sanctions for Violation of the Automatic Stay which was filed in this bankruptcy matter on the 13th day of April, 2023

Mode of service (check one):

☒ MAILED

☐ HAND DELIVERED

Name and Address of each party served (If necessary, you may attach a list.):

Progress Residential, LLC
2658 Holcomb Bridge Road
Suite 118
Alpharetta, GA 30022

*Adt @ progressresidential.com
Customer (c/c @ Progress Residential) Corp*

*Also Emailed -
Sec email
under Address.*

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: 4/13/2023

Signature: *Jordan Arthur Viehmeier*

Printed Name: JORDAN ARTHUR VIEHMEYER

Address: 3106 Bridgewalk Trail
Acworth, GA 30101

Phone: 404-201-0397